

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1049 OF 2005

Parvez Mehboob Shaikh ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr. Naveen Chomal, for the Applicant.

Mr. V.B. Konde Deshmukh, for the Respondent.

...

CORAM : A.M.KHANWILKAR, J.

21st February 2005

P.C.:

. Heard Counsel for the parties. Perused the record. There is material on record to indicate complicity of the Applicant in relation to the offence in question, which is serious offence. To get over this position, argument canvassed on behalf of the Applicant is that he is not the person who has been named by the prosecution witnesses. This submission clearly

overlooks two clinching circumstances to belie the contention pressed into service. The first is that the Applicant has been arrested with blood stained clothes on his person on 16th November 2004. Secondly, he was arrested along with other accused together at Navi Vasti, Nehru Nagar, Bhivandi, as is seen from the arrest panchnama. The argument that the Applicant is not the same person who has been named in the F.I.R. but different person, is a matter for trial. For the time being, the circumstances, particularly that the Applicant has been arrested with blood stained clothes on his person is a strong circumstance, to connect the Applicant with the commission of the crime. The Applicant is a familiar person to the prosecution witnesses and has been named by them. Accordingly, not a case for bail. Hence, rejected.

. The Sessions Judge, Thane, is, however, directed to assign the case to the Fast Track Court, if already not done, to ensure early disposal of the trial.

(A.M.KHANWILKAR, J.)